

what direction Pakistan would go, would they go to the Soviet Union or would they tilt toward the United States, Pakistan declared at that time they would go with the United States, they would follow the path of democracy and freedom and not with the Soviet Union.

Time and time and time again, Pakistan has come to our aid, our assistance, whether it was overflights over the Soviet Union for purposes of intelligence gathering, helping us in that terrible war in Afghanistan. There are still over a million refugees in the country of Pakistan from that war that helped topple the Soviet Union. Every step of the way, Pakistan has been our friend and our ally. So I think we need to meet with them at the earliest possible time to discuss our mutual security interests in that area.

Next, I hope President Clinton will, at the earliest possible time, indicate that he will not be visiting India this year. I know there has been a trip planned for the President to visit Pakistan and India this fall. I call upon the President to indicate now that, because of these events, it would not be right and proper for him to visit India but that it would be right and proper for him to visit Pakistan and perhaps other nations in that area such as Bangladesh. So, I call upon him to call off that visit to India to send another strong signal.

And, third, in order to put these graphite rods back into this chain reaction and to slow it down, I believe we need to press ahead with the Comprehensive Test Ban Treaty, or the CTBT, that would outlaw all nuclear weapons tests globally. So far, 149 nations have signed the treaty. In fact, we thought we were going to get it all done in August of 1996, except one nation walked out and refused to sign it—India. And now we know why. Is it too late for a Comprehensive Test Ban Treaty? I don't believe so. In fact, I believe what has happened in India more than anything indicates that we have to act now in the U.S. Senate to ratify the Comprehensive Test Ban Treaty.

We have not taken it up yet, and we should. We have signed it. It is now sitting before the Senate. We ought to take it up because the Comprehensive Test Ban Treaty will help put those graphite rods back in that chain reaction, slowing down uncontrolled events in south Asia.

The CTBT will not by itself eliminate the possibility of proliferation, but it will make it extremely difficult for nuclear nations, such as India, to develop sophisticated weapons that could be delivered by ballistic missiles.

Again, we have India, and they set off their underground explosions. But, as we know, that is not the end of the line in terms of developing the kind of weapons that can be delivered by ballistic missiles. If we don't sign and if we don't urge other nations and India to sign the CTBT, this will not be the end of India's nuclear testing, believe

me. They are now going to have to refine their warheads. They are going to have to have further testing so that they have the kind of warheads they can deliver with missiles and perhaps aircraft. We have to stop that from happening, and that is why we need the Comprehensive Test Ban Treaty.

It would have been better if we had this in effect beforehand to stop what happened in India, but we didn't have it. We can't turn the clock back. We can't put the genie back in the bottle, but what we can do is we can push ahead now.

Here is how I see it, Mr. President. We have to put the full force and effect of the law on India with all these sanctions, cut off all aid, military assistance and cut off all World Bank loans and IMF. In fact, I think we ought to withdraw our ambassador, which the President has done, and not send him back. Then I believe the U.S. Senate should ratify the Comprehensive Test Ban Treaty and insist that India do so immediately, before we ever lift any sanctions. In that way, India may have a bomb, but they may not have something that they could deliver on the head of a missile.

That is why I believe it is so important that we bring up the Comprehensive Test Ban Treaty and ratify it in the Senate and stop this madness, stop these uncontrolled events that may take place in south Asia unless we act right now.

In fact, I must say, I know the occupant of the chair has spoken on this issue. I know he had a hearing on it today. Quite frankly, I am somewhat shocked that more Senators are not out here talking about what has happened in India in the last couple of days. I believe this is the biggest single danger to world peace that we have faced perhaps in the last 20 to 30 years, because uncontrolled events can start taking place.

On the one hand, I believe we must come down with the full force and effect of the law on India. I believe the President should call off his trip there this fall. I believe we need to meet with our friends in Pakistan to discuss our mutual security needs in that area. On the other hand, we need to ratify a comprehensive test ban treaty and then say to India, "If you want to rejoin the community of nations, sign, join, no more testing." Then we get other nations to sign it, and we will have a comprehensive test ban treaty and will stop the uncontrolled events that may be unfolding in south Asia.

It is a perilous time. India cannot be excused from what it did. Hopefully, the community of nations can put the proper pressure on India to come to its senses and join the rest of the world community in saying, "No; that they will never ever test nuclear weapons ever again."

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

## MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 7:45 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE OF DECISION TO TERMINATE RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a Notice of Decision to Terminate Rulemaking was submitted by the Office of Compliance, U.S. Congress. This Notice announces the termination of a proceeding commenced by a Notice of Proposed Rulemaking and a Supplementary Notice of Proposed Rulemaking published in the CONGRESSIONAL RECORD on October 1, 1997, and January 29, 1998, respectively.

I ask unanimous consent that this Notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

### NOTICE OF DECISION TO TERMINATE RULEMAKING

Summary.—On October 1, 1997, the Executive Director of the Office of Compliance published a notice in the CONGRESSIONAL RECORD proposing, among other things, to extend the Procedural Rules of the Office to cover the General Accounting Office and the Library of Congress and their employees with respect to alleged violations of sections 204-207 of the Congressional Accountability Act of 1995 ("CAA"). These sections apply the rights and protections of the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, and the Uniformed Services Employment and Reemployment Act, and prohibit retaliation and reprisal for exercising rights under the CAA. The notice invited public comment, and, on January 28, 1998, a supplementary notice was published inviting further comment. Having considered the comments received, the Executive Director has decided to terminate the rulemaking and, instead, to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments.

Availability of comments for public review.—Copies of comments received by the Office with respect to the proposed amendments are available for public review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact.—Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999; telephone (202) 724-9250 (voice), (202) 426-1912 (TTY). This Notice will be made available in large print or braille or on computer disk upon request to the Office of Compliance.

### SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1301 et seq., applies

the rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204-206 of the CAA explicitly cover the General Accounting Office ("GAO") and the Library of Congress ("Library"). These sections apply the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA").

On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") proposing to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of proceedings involving alleged violations of sections 204-206, as well as proceedings involving alleged violations of section 207, which prohibits intimidation and retaliation for exercising rights under the CAA. 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997). The Library submitted comments in opposition to adoption of the proposed amendments and raising questions of statutory construction. On January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking ("Supplementary NPRM") requesting further comment on the issues raised by the Library. 144 CONG. REC. S86 (daily ed. Jan. 28, 1998). Comments in response to the Supplementary NPRM were submitted by GAO, the Library, a union of Library employees, and a committee of the House of Representatives.

The comments expressed divergent views as to the meaning of the relevant statutory provisions. The CAA extends rights, protections, and procedures only to certain defined "employing offices" and "covered employees." The definitions of these terms in section 101 of the CAA, which apply throughout the CAA generally, omit GAO and the Library and their employees from coverage, but sections 204-206 of the CAA expressly include GAO and the Library and their employees within the definitions of "employing office" and "covered employee" for purposes of those sections. Two commenters argued that the provisions of sections 401-408, which establish the administrative and judicial procedures for remedying violations of sections 204-206, refer back to the definitions in section 101 "without linking to the very limited coverage" of the instrumentalities in sections 204-206, and therefore do not cover GAO and the Library and their employees. However, two other commenters argued to the contrary. One stated that, because employees of the instrumentalities were given the protections of sections 204-206, "the concomitant procedural rights" of sections 401-408 were also conferred on them; and the other commenter argued that construing the CAA to grant rights but not remedies would defeat the stated legislative purpose, "since a right without a remedy is often no right at all." The four commenters also expressed divergent views about whether GAO and the Library and their employees, who were not expressly referenced by section 207, are nevertheless covered by the prohibition in that section against retaliation and reprisal for exercising applicable CAA rights.

Having considered that the comments received express such opposing views of the statute, the Executive Director has decided to terminate the rulemaking without adopting the proposed amendments and, instead, to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments.

In light of the statutory questions raised, it remains uncertain whether employees of

GAO and the Library have the statutory right to use the administrative and judicial procedures under the CAA, and whether GAO and the Library may be charged as respondent or defendant under those procedures, where violations of sections 204-207 of the CAA are alleged. The Office will continue to accept any request for counseling or mediation and any complaint filed by a GAO or Library employee and/or alleging a violation by GAO or the Library. Any objection to jurisdiction may be made to the hearing officer or the Board under sections 405-406 or to the court during proceedings under sections 407-408 of the CAA. Furthermore, the Office will counsel any employee who initiates such proceedings that a question has been raised as to the Office's and the courts' jurisdiction under the CAA and that the employee may wish to preserve rights under any other available procedural avenues.

The Executive Director's decision announced here does not affect the coverage of GAO and the Library and their employees with respect to proceedings under section 215 of the CAA (which applies the rights and protections of the OSHAct) or *ex parte* communications. On February 12, 1998, the Executive Director, with the approval of the Board, published a Notice of Adoption of Amendments amending the Procedural Rules to include such coverage. 144 CONG. REC. S720 (daily ed. Feb. 12, 1998).

Signed at Washington, D.C., on this 12th day of May, 1998.

RICKY SILBERMAN,  
*Executive Director, Office of Compliance.*

#### AMERICAN MISSILE PROTECTION ACT OF 1998

Mr. FAIRCLOTH. Mr. President, this morning, the Senate failed to invoke cloture on S. 1873, the American Missile Protection Act of 1998. The bill is simple and its purpose can be stated very easily by reciting Section 3 in its entirety. "It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)."

Everyone knows that it is necessary to first vote to stop endless debate on a bill when a filibuster has been threatened, then, after cloture, we can have limited debate followed by a vote on the bill itself. From this morning's vote, it can be seen that more than 40 percent of my colleagues feel that it should be the policy of the United States to keep our citizens exposed to the risks of a ballistic missile attack.

Mr. President, I know that the Cold War is over. Unfortunately, although some would like to believe otherwise, this does not mean that we are one happy world, where all countries are working in mutual cooperation. It is no time for the United States to let down its guard or to cease doing everything possible to maintain our national security.

The nuclear testing in India this week should shake some sense into those calling for the U.S. to disarm itself of our nuclear deterrent capability, as if that would set an example to the rest of the world. We cannot

"uninvent" nuclear weapons everywhere in the world. Therefore, we must do the next best thing—prepare our best defense.

During the Cold War standoff with the Soviet Union, we operated under a system known as MAD, for Mutually Assured Destruction. No country, back then, would attack us with a nuclear weapon because there was full realization that it would face certain annihilation because we could and would retaliate in kind, and with greater strength. MAD was never a completely risk-free strategy, though. We had to rely on the hope that other governments would act responsibly and not put their citizens in the path of a direct, retaliatory missile hit. This was the best we could do back then. MAD has outlived its usefulness today because we have the capability to protect ourselves better—we now have the ability to develop defensive technologies that can give us a system that will knock out a ballistic missile before it can land on one of our cities.

It should be clear to everyone that in today's more complicated world the threat of a ballistic missile attack is not confined to a couple of superpowers; there is a greater risk than ever before of a launch against the U.S., either by accident or design, from any of a number of so-called "rogue" nations. And, with the additional risk that chemical or biological weapons can be launched using the same ballistic missile technology as is used for nuclear weapons delivery, the threat is more widespread and we must defend against it.

Without National Missile Defense, there is a greater risk that an incident, even one involving chemical or biological weapons, could escalate into full scale nuclear war. If we must stick with a MAD strategy, we will have to retaliate once we identify a ballistic missile launch at the U.S. It would be much better to eliminate those missiles with a defensive system, and then determine what most appropriate response, diplomatic or military, we would undertake.

Ignoring that National Missile Defense can keep us from an escalating nuclear war, critics of the American Missile Protection Act, through twisted logic, say that if the U.S. builds a defensive capability, this will drive the world closer to a nuclear war. Their argument goes something like this—if we can defend against a ballistic missile attack, there is nothing that will stop us from striking another country first because we no longer have to worry about retaliation. As incredible as it may sound, they say that a National Missile Defense is actually an act of aggression.

In order to buy into such an argument, however, you have to first assume that the United States has been standing by, waiting to take over the world with its nuclear defensive arsenal, but the Soviet bear kept us in our cage. You would have to believe that